



VOSH PROGRAM DIRECTIVE: 12-401

ISSUED: April 1, 1995

SUBJECT: Hazardous Waste Operations and Emergency Response, §§1910.120 and 1926.65

A. Purpose.

This directive transmits to field personnel the technical amendments to non-mandatory Appendix B and the new non-mandatory Appendix E to the above-referenced standards.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel, and specifically to Occupational Health Enforcement and Consultation Services personnel.

C. Reference.

Not Applicable.

D. Cancellation.

Not Applicable

E. Action.

The Deputy Commissioner, directors and supervisors shall assure that field personnel and employers are aware of and understand the provisions of these non-mandatory appendices to the above standards.

F. Effective Date.

April 1, 1995

G. Expiration Date.

Not Applicable.

H. Background.

In 1993, the Advisory Committee on Construction Safety and Health (ACCSH) recommended that OSHA issue a non-mandatory appendix to the standard for Hazardous Waste Operations and Emergency Response, General Industry, §1910.120, which contains guidelines for minimum training curriculum. The ACCSH recommended that OSHA base its training guidelines on a document entitled, "Minimum Criteria for Worker Health and Safety Training for Hazardous Waste Operations and Emergency Response." This document, developed during a meeting sponsored by the National Institute of Environmental Health Science (NIEHS), represents views of technical experts rather than an official OSHA position.

The purpose of the NIEHS training guidelines was to establish criteria to determine the quality of employee health and safety training programs. Appendix E is not only based upon the NIEHS document but also upon other training program guidance documents, such as documents developed by the National Fire Protection Association (NFPA) and the International Association of Fire Service Instructors. These guidelines, believed to be especially critical for meeting the training requirements of 29 CFR 1910.120, were published by OSHA as a non-mandatory Appendix E.

In the last two paragraphs of Appendix B to §1910.120, federal OSHA made technical amendments to certain outdated references made to the NFPA standards. The NFPA standards, referred to in the existing text, are no longer "under development" but were published in 1990 as voluntary consensus standards by NFPA. The revisions to Appendix B now recognize the adoption of these NFPA standards.

These technical amendments and non-mandatory appendices are added for informational purposes and do not change regulatory requirements.

I. Summary.

Federal OSHA issued technical amendments to existing Appendix B and added a new non-mandatory Appendix E to both 29 CFR 1910.120 and 29 CFR 1926.65, Hazardous Waste Operations and Emergency Response.

The technical amendments to the Appendix B, "General Description and Discussion of the Levels of Protection and Protective Gear," involve updating certain reference sources listed in Appendix B to both 29 CFR 1910.120 and 29 CFR 1926.65.

The new Appendix E of §§1910.120 and 1926.65, "Training Curriculum Guidelines," provides suggested guidelines for a more effective training curriculum and program. The mandatory requirements for the training programs are set forth in the main body of §§1910.120 and 1926.65. The addition of a non-mandatory Appendix E to these sections will provide supplementary information that can be used by employers for training program development directed toward training those employees engaged in hazardous waste operations and emergency response activities within the scope of §§1910.120 or 1926.65.

Theron J. Bell
Commissioner

Attachment: 59 Fed. Reg. 43268 (August 22, 1994)
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=13408&p_text_version=FALSE

Distribution: Commissioner of Labor and Industry
Deputy Commissioner
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Consultation Services Staff
Training Staff
OSHA Regional Administrator, Region III

Hazardous Waste Operations and Emergency Response,
§§1910.120 and 1926.65

As adopted by the
Safety and Health Codes Board

Date: December 19, 1994



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: April 1, 1995

Hazardous Waste Operations and Emergency Response,
§§1910.120 [VR 425-02-184] and 1926.65 [VR 425-02-183]

When the regulations, as set forth in the non-mandatory Appendices B and E of the standards for Hazardous Waste Operations and Emergency Response, §§1910.120 and 1926.65, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

September 21, 1994

April 1, 1995